

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
June 9, 2004

Mayor David Dermer
Vice-Mayor Saul Gross
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

ADDENDUM

C2 - Competitive Bid Reports

- C2C Request For Approval To Amend The Bellsouth Master Agreement In Order To Upgrade The City's Existing 911 Public Safety Answering Position System In The Amount Of \$96,479.99.
(Information Technology)

C7 - Resolutions

- C7I A Resolution Approving And Authorizing The City Manager To Issue Certifications Of Consistency With The City's Consolidated Plan To Douglas Gardens Community Mental Health Center Of Miami Beach, Inc. To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development (HUD) To Continue Providing Housing To Formerly Homeless Persons With Disabilities At The Mayfair Hotel, 1960 Park Avenue, Miami Beach; To Continue Providing Case Management Services And Transitional Housing To Victims Of Domestic Violence Who Have Become Homeless; To Continue To Operate And Enhance A Scattered Site Housing Program; And To Continue To Provide Supportive Services For Formerly Homeless Persons In Miami Beach.
(Neighborhood Services)

C7 - Resolutions (Continued)

- C7J A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The City's Neighborhood Services Department Office Of Homeless Coordination To Utilize Funds Provided Directly By The U.S. Department Of Housing And Urban Development (HUD) To Provide Outreach And Case Management Services To Homeless Individuals In Miami Beach.

(Neighborhood Services)

R7 - Resolutions

- R7G A Resolution Authorizing The Mayor And City Clerk To Execute A Release Of An Easement Agreement For Lot 3, Of Block 33, Miami Beach Improvement Company's Ocean Front Subdivision, In Favor Of Crown At Miami Beach, Ltd., Owner Of The Crown Hotel Property, Located At 4041 Collins Avenue; Said Release Subject To And Contingent Upon Crown At Miami Beach, Ltd's. Satisfaction Of The Conditions Set Forth In This Resolution.

(Requested by Commissioner Jose Smith)

R10 - City Attorney Reports

- R10C Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Case:

Da Mortgage, Inc., A Florida Corporation; 136 Collins Avenue, L.C.; A Florida Corporation Vs. City Of Miami Beach, A Florida Municipal Corporation; And Miami-Dade County. United States District Court, Southern District, Miami Division, Case No. 03-20684 CIV-Martinez/Dube

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Gary Held And Assistant City Attorney Roberto Datorre.

R10 - City Attorney Reports (Continued)

R10D Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On June 9, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DO1-3350)

East Coastline Development, Ltd Vs. City Of Miami Beach And The State Of Florida, Department Of Community Affairs. State Of Florida, Division Of Administrative Hearing Case No. 02-3283

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, And First Assistant City Attorney Gary Held.

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

Request for Approval to Amend the BellSouth Master Agreement in Order to upgrade the City's existing 911 Public Safety Answering Position System in the Amount of \$96,479.99

Issue:

Shall the City Commission Amend the BellSouth Master Agreement?

Item Summary/Recommendation:

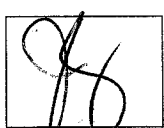
On July 1, 1998, the City Commission adopted Resolution No. 98-22877, which authorized the Mayor and City Clerk to execute the contract with BellSouth, pursuant to Request for Proposals No. 141-96-97, to provide a 911 Phone System, in an amount not to exceed \$670,000.

The Public Safety Communications Unit at 1100 Washington Avenue receives all police, fire and rescue emergency 911 calls for the City of Miami Beach. The call takers currently use an outdated Emergency 911 (E911) phone system that was purchased in the late 1980's.

E911 is critical to public health and safety and must remain reliable and compatible with evolving telecommunications standards. Therefore, it is requested that the City Commission approve the amendment to subject agreement to upgrade the City's 911 Phone System by providing for needed equipment and maintenance services. See the attached list of equipment and related charges relative to maintenance services

APPROVE THE AMENDMENT.

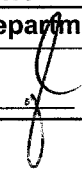
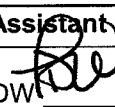
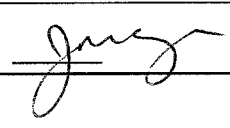
Advisory Board Recommendation:**Financial Information:**

Source of Funds:		Amount	Account	Approved
 Finance Dept.	1	\$96,479.99	011.9415.000674 911 Wireless Funds	
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Gladys Acosta, ext. 5775

Sign-Offs:

Department Director	Assistant City Manager	City Manager
GL 	PDW 	JMG 

T:\AGENDA\2004\Jun0904\Consent\911 Phone System Summary.doc

AGENDA ITEM

C2C

DATE

6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: REQUEST FOR APPROVAL TO AMEND THE BELL SOUTH MASTER AGREEMENT IN ORDER TO UPGRADE THE CITY'S EXISTING 911 PUBLIC SAFETY ANSWERING POSITION SYSTEM IN THE AMOUNT OF \$96,479.99.

ADMINISTRATION RECOMMENDATION

Approve the Amendment.

FUNDING

96,479.99 Police Department Account Number 011.9415.000674 (911 Wireless Funds)

ANALYSIS

On July 1, 1998, the City Commission adopted Resolution No. 98-22877, which authorized the Mayor and City Clerk to execute the contract with BellSouth, pursuant to Request for Proposals No. 141-96-97, to provide a 911 Phone System, in an amount not to exceed \$670,000.

The Public Safety Communications Unit at 1100 Washington Avenue receives all police, fire and rescue emergency 911 calls for the City of Miami Beach. The call takers currently use an outdated Emergency 911 (E911) phone system that was purchased in the late 1980's.

E911 is critical to public health and safety and must remain reliable and compatible with evolving telecommunications standards. Therefore, it is requested that the City Commission approve the amendment to subject agreement to upgrade the City's 911 Phone System by providing for needed equipment and maintenance services. See the attached list of equipment and rates.

CONCLUSION

The Administration recommends the approval of the amendment to the BellSouth Master Agreement in order to upgrade the City's existing 911 Public Safety Answering position system in the amount of \$96,479.99.

ADDENDUM
AGREEMENT

Case Number FL03-2488-04
Option 1 of 1

RATES AND CHARGES

<u>Rate Elements</u>	<u>Non-Recurring</u>	<u>Monthly Rate</u>	<u>USOC</u>
1. Nonrecurring Charge = Customer Purchase (includes installation) Monthly Rate = Maintenance Positron 18 inch LCD monitor (1280x1024) a) each (Addendum to FL97-6700-03. Add rate element.)	\$1,112.00	\$14.00	W11YM
2. Nonrecurring Charge = Customer Purchase (includes installation) Monthly Rate = Maintenance Positron Power 911 IAP/PC Card with 6 wire jack a) each (Addendum to FL97-6700-03. Add rate element.)	\$3,238.00	\$45.00	W11YR
3. Nonrecurring Charge = Customer Purchase (includes installation) Monthly Rate = Maintenance Positron Additional Position (add to one of the Base Systems) a) each (Requires Monitor) (Addendum to FL97-6700-03. Add rate element.)	\$10,106.00	\$74.00	W11YY
4. Nonrecurring Charge = Customer Purchase (includes installation) Monthly Rate = Maintenance Positron Power 911 - Integrated Call Recorder a) each (Addendum to FL97-6700-03. Add rate element.)	\$576.00	\$6.00	W11QV
5. Nonrecurring Charge = Customer Purchase (includes installation) Monthly Rate = Maintenance Positron Power 911 - Integrated TDD for IAP	\$1,044.00	\$13.00	W11QX

PRIVATE/PROPRIETARY

CONTAINS PRIVATE AND/OR PROPRIETARY INFORMATION. MAY NOT BE USED OR DISCLOSED OUTSIDE THE BELL SOUTH COMPANIES EXCEPT PURSUANT TO A WRITTEN AGREEMENT.

ADDENDUM
AGREEMENT

Case Number FL03-2488-04
Option 1 of 1

RATES AND CHARGES

Backroom a) each (Addendum to FL97-6700-03. Add rate element.)			
6. Nonrecurring Charge = Customer Purchase (includes installation) Monthly Rate = Maintenance Positron Dedicated CAD Server (Up to 15 positions) a) each (Addendum to FL97-6700-03. Add rate element.)	\$5,842.00	\$27.00	W1161
7. Positron Power 911 Training - Travel Fee a) per occasion (Addendum to FL97-6700-03. Add rate element.)	\$1,592.00	\$0.00	W117A
8. Positron Power 911 Training - Living Expenses a) per day (Addendum to FL97-6700-03. Add rate element.)	\$255.00	\$0.00	W117B
9. Positron On-site Training - Power 911 Call taker (minimum 4 Call Takers) a) per Call Taker (4 hours) (Addendum to FL97-6700-03. Add rate element.)	\$288.00	\$0.00	W117C
10. Positron Power 911 Training - Administrator - 2 days (Configurator Lite; Power MIS; Windows NT) a) per Administrator, each (Addendum to FL97-6700-03. Add rate element.)	\$2,623.00	\$0.00	W117G

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BELLSOUTH COMPANIES EXCEPT PURSUANT TO A WRITTEN AGREEMENT.

ADDENDUM
AGREEMENT

Case Number FL03-2488-04
Option 1 of 1

RATES AND CHARGES

NOTES:

There are no other additions, deletions or changes to the above referenced Special Service Arrangement Agreement included in this Addendum Agreement. All other terms and conditions as previously agreed and acknowledged remain unchanged and in full force.

END OF ARRANGEMENT AGREEMENT OPTION 1

PRIVATE/PROPRIETARY

CONTAINS PRIVATE AND/OR PROPRIETARY INFORMATION. MAY NOT BE USED OR DISCLOSED OUTSIDE THE
BELLSOUTH COMPANIES EXCEPT PURSUANT TO A WRITTEN AGREEMENT.

BellSouth BusinessSM

Phone: 305-569-7200

Suite 000
7850 N.W. 18th Street
Miami, Florida 33126

March 18, 2004

Ms. Ingrid Caries
Budget
City of Miami Beach
1100 Washington Avenue,
Miami Beach, FL 33139

Dear Ms. Caries,

This letter is to confirm BellSouth can provide the Miami Beach Police Department with the E911 equipment upgrade under our contract FL03-2488-02. The charges associated with this is \$96,479.99.

Should you have any questions and/or comments kindly contact me at 305-569-7292.

Regards,



Elena Cordal
Senior Account Manager

City of Miami Beach E9-1-1 Equipment Upgrade (F103-2488-02) - Prices Based on Latest Spreadsheet							
Rate Element	USOC	Units	Non-Recurring (Installation) Cost - Unit	Non-Recurring (Installation) Cost - Total	Recurring Monthly Cost - Unit	Recurring Monthly Cost - Total	Pre-Payment Option (per Month)
Power 911 IAP/PC Card c/w 6-wire Jack	W11YR	6	\$3,238	\$19,428	\$45	\$270	
Power 911 Additional Position	W11YV	6	\$10,100	\$60,636	\$74	\$444	
Power 911 Integrated Call Recorder	W11QV	6	\$576	\$3,456	\$6	\$36	
Power 911 Integrated TDD for IAP Backroom*	W11QX	2	\$1,044	\$2,088	\$13	\$26	
Dedicated CAD Server (up to 15 Positions)	W1161	1	\$5,842	\$5,842	\$27	\$27	
Power 911 Training - Administrator (2 days)	W117G	1	\$2,623	\$2,623	\$0	\$0	
TOTAL				\$94,073		\$803	\$802.33
TOTAL with Pre-Payment Option (March to June, 2004)							\$96,479.99
* Note: 4 Integrated TDD for IAP Backroom provided at no cost.							

**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**



Condensed Title:

A resolution authorizing the City Manager to issue Certificates of Consistency with the City's Consolidated Plan to Douglas Gardens Community Mental Health Center of Miami Beach, Inc. to utilize funds provided directly by the U.S. Department of Housing and Urban Development (HUD) to continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; to continue providing case management services and transitional housing to victims of domestic violence who have become homeless; to continue to operate and enhance a scattered site housing program; and to continue to provide supportive services for formerly homeless persons in Miami Beach.

Issue:

Shall the City authorize the City Manager to issue Certificates of Consistency with the Consolidated Plan to Douglas Gardens to utilize funds provided directly by U.S. HUD to continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; to continue providing case management services and transitional housing to victims of domestic violence who have become homeless; to continue to operate and enhance a scattered site housing program; and to continue to provide supportive services for formerly homeless persons in Miami Beach?

Item Summary/Recommendation:

On June 2, 2004, Douglas Gardens requested four Certificates of Consistency with the City's Consolidated Plan to be submitted as part of applications for funds from U.S. HUD. Douglas Gardens is submitting 4 renewal grant applications to U.S. HUD for the following: 1) to continue to offer twenty-two units of permanent housing for formerly homeless persons with disabilities at the Mayfair Residence, 1960 Park Avenue, Miami Beach; 2) to provide rental assistance and case management to victims of domestic violence who have become homeless; 3) to provide 17 additional scattered site housing units to formerly homeless persons with disabilities; and 4) to provide supportive services to formerly homeless persons with disabilities in the 17 additional scattered sites.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div><div></div><div>Finance Dept.</div></div>	1			
	2			
	3			
	4			
	Total	N/A		

City Clerk's Office Legislative Tracking:

Vivian P. Guzmán

Sign-Offs:

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM

C7I

DATE

6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139

www.miamibeachfl.gov

COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager



Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE CERTIFICATIONS OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO DOUGLAS GARDENS COMMUNITY MENTAL HEALTH CENTER OF MIAMI BEACH, INC. TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO CONTINUE PROVIDING HOUSING TO FORMERLY HOMELESS PERSONS WITH DISABILITIES AT THE MAYFAIR HOTEL, 1960 PARK AVENUE, MIAMI BEACH; TO CONTINUE PROVIDING CASE MANAGEMENT SERVICES AND TRANSITIONAL HOUSING TO VICTIMS OF DOMESTIC VIOLENCE WHO HAVE BECOME HOMELESS; TO CONTINUE TO OPERATE AND ENHANCE A SCATTERED SITE HOUSING PROGRAM; AND TO CONTINUE TO PROVIDE SUPPORTIVE SERVICES FOR FORMERLY HOMELESS PERSONS IN MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

On June 2, 2004, Douglas Gardens Community Mental Health Center of Miami Beach, Inc., (Douglas Gardens) requested four Certifications of Consistency with the City's Consolidated Plan as part of an application for funds from the U.S. Department of Housing and Urban Development (U.S. HUD). The first application is a renewal grant to U.S. HUD for a request of \$146,000. This grant is to be utilized by Douglas Gardens to continue to offer twenty-two units of permanent housing for formerly homeless persons with disabilities at the Mayfair Residence, 1960 Park Avenue, Miami Beach, for a period of one year.

Douglas Gardens' second renewal application is for a grant of \$158,000. This grant is for the Successful Investments, Supported Housing Program (SHP), to provide rental assistance and case management to victims of domestic violence who have become homeless. Persons in the program may be placed in housing anywhere in Miami-Dade County.

Douglas Garden is submitting a third and a fourth grant application(s) to U.S. HUD for a total of \$159,500. These two grants are to be utilized by Douglas Gardens to continue to operate and enhance their existing scattered site housing program by providing 17 scattered site housing units and supportive services to formerly homeless persons with disabilities for a period of one year.

These four applications from Douglas Gardens are to be included in an application to be submitted to U.S. HUD by the Miami-Dade Homeless Trust (Homeless Trust) in response to the annual Notice of Funding Availability (Super NOFA). The Homeless Trust submits a countywide application to U.S. HUD on behalf of local homeless providers requesting funding under the Super NOFA.

U.S. HUD requires that applicants for funding obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the activity is to be located for each application. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Every year, since 1995, Douglas Gardens has been providing twenty-two units of permanent housing for formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach. Supportive services for the residents of the Mayfair Hotel are provided at the Douglas Gardens Clinical Offices at 701 Lincoln Road.

The Administration has reviewed the documentation submitted by Douglas Gardens describing the activities, and has concluded that the continuation of these activities are consistent with the City's Consolidated Plan. The Consolidated Plan identifies long term objectives in Chapter 4, "Five Year Strategy." Under the Homelessness Strategy (Continuum of Care), page 4 -15, the Plan specifies that Douglas Gardens will continue to provide supportive housing for the formerly homeless. The Plan also supports efforts to assist special needs populations in general.

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue Certifications of Consistency with the City's Consolidated Plan to Douglas Gardens Community Mental Health Center of Miami Beach, Inc. to utilize funds provided directly by the U.S. Department of Housing and Urban Development (HUD) to continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; to continue providing case management and transitional housing to victims of domestic violence who have become homeless; to continue to operate and enhance a scattered site housing program; and to continue to provide supportive services for formerly homeless persons in Miami Beach.

JMG/RCM/VRG/JR

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE CERTIFICATIONS OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO DOUGLAS GARDENS COMMUNITY MENTAL HEALTH CENTER OF MIAMI BEACH, INC. TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO CONTINUE PROVIDING HOUSING TO FORMERLY HOMELESS PERSONS WITH DISABILITIES AT THE MAYFAIR HOTEL, 1960 PARK AVENUE, MIAMI BEACH; TO CONTINUE PROVIDING CASE MANAGEMENT SERVICES AND TRANSITIONAL HOUSING TO VICTIMS OF DOMESTIC VIOLENCE WHO HAVE BECOME HOMELESS; TO CONTINUE TO OPERATE AND ENHANCE A SCATTERED SITE HOUSING PROGRAM; AND TO CONTINUE TO PROVIDE SUPPORTIVE SERVICES FOR FORMERLY HOMELESS PERSONS IN MIAMI BEACH.

WHEREAS, on July 30, 2003, the Mayor and City Commission adopted the City of Miami Beach Five-Year Consolidated Plan; and

WHEREAS, Douglas Gardens Community Mental Health Center is proposing to submit applications to the U.S. Housing and Urban Development (U.S. HUD) for funding to continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach, to continue providing case management services and transitional housing to victims of domestic violence who have become homeless, and to continue to operate and enhance a scattered site housing program and supportive services for formerly homeless persons in Miami Beach; and

WHEREAS, U.S. HUD requires that applicants for Federal funding submit Certifications of Consistency with the Consolidated Plan from the entitlement jurisdiction where the proposed activities are located; and

WHEREAS, Douglas Gardens Community Mental Health Center requested that the City issue the required Certifications of Consistency with the Consolidated Plan; and

WHEREAS, in accordance with the City's adopted Consolidated Plan, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval; and

WHEREAS, the Administration has reviewed the proposed activities and found them to be consistent with the Consolidated Plan.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Manager is authorized to issue Certifications of Consistency with the City's Consolidated Plan to Douglas Gardens Community Mental Health Center of Miami Beach, Inc. to utilize funds provided directly by the U.S. Department of Housing and Urban Development (HUD) to continue providing housing to formerly homeless persons with disabilities at the Mayfair Hotel, 1960 Park Avenue, Miami Beach; to continue providing case management services and transitional housing to victims of domestic violence who have become homeless; to continue to operate and enhance a scattered site housing program; and to continue to provide supportive services for formerly homeless persons in Miami Beach.

PASSED AND ADOPTED this _____ day of _____, 2004.


ATTEST:

CITY CLERK

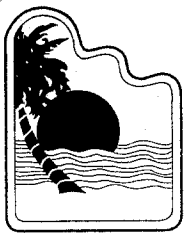
MAYOR

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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**


City Attorney

6-4-04
Date



DOUGLAS GARDENS COMMUNITY MENTAL HEALTH CENTER OF MIAMI BEACH

CMS
NEIGHBORHOOD SERVICES DEPT.

2004 JUN 32 PM 3: 00

701 Lincoln Road
Miami Beach, FL 33139
Phone: (305) 531-5341
Fax: (305) 532-5322

Golden Palms
17000 N.E. 21st Avenue
North Miami Beach, FL 33162
Phone: (305) 945-5340

Sunny Cove
7100 Rue Granville
Miami Beach, FL 33140
Phone: (305) 864-7748

Crisis Residence
629 Lenox Avenue
Miami Beach, FL 33139
Phone: (305) 538-7710

Mayfair Residence
1960 Park Avenue
Miami Beach, FL 33139
Phone: (305) 604-3446

Coral Sands ALF
7800 Abbott Ave.
Miami Beach, FL 33141
Phone: (305) 867-3232

OFFICERS

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Michael Mowatt

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George Stein

Executive Director
Daniel T. Brady, Ph.D.

June 2, 2004

Miguel Del Campillo
Housing Division Director
City of Miami Beach
1700 Convention Center Drive
Miami Beach, FL 33139

Re: Certification of Consistency with Consolidated Plan

Dear Mr. Campillo:

Douglas Gardens CMHC is in the process of submitting its applications for renewal of four existing contracts providing services to homeless persons. A requirement of the renewal application is a "Letter of Consistency with the Consolidated Plan" from the local government in which the program is sited. The four programs are based in the City of Miami Beach and are as follows:

1. **Successful Investments, Supported Housing Program (SHP)** – provides rental assistance (transitional housing) and case management to victims of domestic violence who have become homeless as a result of the violence. Persons in the program may be placed in housing anywhere in Dade County. Annual funding \$158,000.
2. **Mayfair Residence, Shelter Plus Care (S+C)** – provides 22 units of permanent housing at the Mayfair Residence for 22 formerly homeless persons suffering with mental illness. Annual funding \$146,000.00.
3. **Scattered Site, Shelter Plus Care (S+C)** – provides 17 formerly homeless persons with mental illness permanent housing in the community in scattered sites. Includes housing in locales other than Miami Beach. Annual funding \$125,500.00.
4. **Scattered Site Supportive Services, Supported Housing Program (SHP)** – provides funding for supportive services to 17 formerly homeless persons in scattered site housing above. Annual funding \$34,000.

Please be advised the renewal application packages are due to be submitted to the Homeless Trust no later than June 21, 2004. Thank you for your assistance.

Sincerely,

David M. Quick
Assistant Administrator

Accredited by



BENEFICIARY AGENCY
United Way of Dade County



Greater Miami Jewish Federation, City of Miami Beach, and Miami-Dade County.



**CITY OF MIAMI BEACH
COMMISSION ITEM SUMMARY**

**Condensed Title:**

A resolution authorizing the City Manager to issue a Certificate of Consistency with the City's Consolidated Plan to the City's Neighborhood Services Department Office of Homeless Coordination to utilize funds from HUD to provide outreach and case management services to homeless individuals in Miami Beach.

Issue:

Shall the City authorize the City Manager to issue a Certificate of Consistency with the Consolidated Plan to Office of Homeless to be submitted as part of an application for funds from HUD?

Item Summary/Recommendation:

The City's Office of Homeless Coordination has requested a Certification of Consistency with the City's Consolidated Plan as part of an application for funds from the U.S. Department of Housing and Urban Development (HUD). The Office of Homeless Coordination intends to submit an application to the Miami-Dade County Homeless Trust (Homeless Trust) for a grant of \$70,000 in funds provided by HUD. This grant is to be utilized by the Office of Homeless to provide outreach and case management services to homeless individuals in Miami Beach for a one-year period. In order to meet the June 21, 2004 grant deadline, the City is requesting a Certification of Consistency as required by the application. In accordance with the Consolidated Plan adopted by the City, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

Advisory Board Recommendation:

N/A

Financial Information:

Source of Funds:		Amount	Account	Approved
<div>N/A</div> Finance Dept.	1	N/A		
	2			
	3			
	4			
	Total			

City Clerk's Office Legislative Tracking:

Vivian P. Guzman

Sign-Offs:

Department Director	Assistant City Manager	City Manager

AGENDA ITEM C7J
DATE 6-9-04

CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139
www.miamibeachfl.gov



COMMISSION MEMORANDUM

To: Mayor David Dermer and
Members of the City Commission

Date: June 9, 2004

From: Jorge M. Gonzalez
City Manager

Subject: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE CITY'S NEIGHBORHOOD SERVICES DEPARTMENT OFFICE OF HOMELESS COORDINATION TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO PROVIDE OUTREACH AND CASE MANAGEMENT SERVICES TO HOMELESS INDIVIDUALS IN MIAMI BEACH.**

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

ANALYSIS

The City's Neighborhood Services Department Office of Homeless Coordination is requesting a Certification of Consistency with the City's Consolidated Plan as part of an application for funds from the U.S. Department of Housing and Urban Development (HUD). The Office of Homeless Coordination intends to submit an application to the Miami-Dade County Homeless Trust (Homeless Trust) for a grant of \$70,000 in funds provided by HUD. This grant is to be utilized by the Office of Homeless Coordination to provide added funding for outreach, case management, and shelter services to homeless individuals in Miami Beach for a one-year period.

The Office of Homeless Coordination plans to respond to a request for applications issued by the Homeless Trust, which provides HUD funds for homeless services. In order to meet the June 21, 2004 grant deadline, the City will submit an application and is requesting the requisite Certification of Consistency. HUD requires that applicants for funding obtain and submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the activity is to be located for each application. In accordance with the Consolidated Plan adopted by the City on July 30, 2003, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval.

The documentation submitted by the Office of Homeless Coordination describing the proposed activities has been reviewed and was found to be consistent with the City's Consolidated Plan. The Consolidated Plan identifies long-term objectives in Chapter 4, "Five Year Strategy." Under the Homelessness Strategy (Continuum of Care), pages 4-12 through 4-15, the Plan assigns a high priority to assisting homeless individuals.

Additionally, the Plan also identifies case management within the gaps analysis as a high priority in the Continuum of Care.

The Administration recommends adoption of the attached Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the City Manager to issue a Certification of Consistency with the City's Consolidated Plan to the City's Neighborhood Services Department Office of Homeless Coordination to utilize funds provided directly by the U.S. Department of Housing and Urban Development to provide outreach and case management services to homeless individuals in Miami Beach.


JMG/RCM/VPG/JR

F:\NEIGHHOUSING\SUSAN\HUD REPORTS\CERT_CONS\2004\CMC_CERT. CONSISTENCY 2004_MEMO.DOC

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO ISSUE A CERTIFICATION OF CONSISTENCY WITH THE CITY'S CONSOLIDATED PLAN TO THE CITY'S NEIGHBORHOOD SERVICES DEPARTMENT OFFICE OF HOMELESS COORDINATION TO UTILIZE FUNDS PROVIDED DIRECTLY BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO PROVIDE OUTREACH AND CASE MANAGEMENT SERVICES TO HOMELESS INDIVIDUALS IN MIAMI BEACH.

WHEREAS, on July 30, 2003 the Mayor and City Commission adopted the City of Miami Beach Consolidated Plan for Fiscal Years 2003-2007; and

WHEREAS, the City's Neighborhood Services Department Office of Homeless Coordination, in order to meet the June 21, 2004 deadline, intends to submit an application to the Miami-Dade County Homeless Trust (Homeless Trust) for a grant of \$70,000 in funds provided by HUD to provide outreach and case management services to homeless individuals in Miami Beach for a one-year period; and

WHEREAS, HUD requires that applicants for Federal funding submit a Certification of Consistency with the Consolidated Plan from the entitlement jurisdiction where the proposed activity is located; and

WHEREAS, in accordance with the City's adopted Consolidated Plan, each request for a Certification of Consistency with the Consolidated Plan requires City Commission review and approval; and

WHEREAS, the Office of Homeless requests that the City issue a Certification of Consistency with the City's Consolidated Plan; and

WHEREAS, the Administration has reviewed the proposed activities of outreach and case management for homeless individuals and found them to be consistent with the City's Consolidated Plan.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the City Manager is authorized to issue a Certification of Consistency with the City's Consolidated Plan to the City's Neighborhood Services Department Office of Homeless Coordination to utilize funds provided directly by the U.S. Department of Housing and Urban Development (HUD) to provide outreach and case management services to homeless individuals in Miami Beach.

PASSED AND ADOPTED this _____ day of _____, 2004.

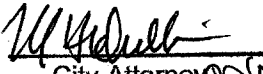
ATTEST:

CITY CLERK

CMB_Cert. Consistency 2004_Reso

MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney

6-7-04

Date

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

TO: Mayor David Dermer
Members of the City Commission

DATE: June 9, 2004

FROM: Murray H. Dubbin
City Attorney

Raul J. Aguila
First Assistant City Attorney

SUBJECT: A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, Authorizing the Mayor and City Clerk to Execute a Release of an Easement Agreement for Lot 3, of Block 33, Miami Beach Improvement Company's Ocean Front Subdivision, In Favor of Crown at Miami Beach, Ltd., Owner of the Crown Hotel Property, Located at 4041 Collins Avenue; Said Release Subject to and Contingent Upon Crown at Miami Beach, Ltd.'s Satisfaction of the Conditions Set Forth in this Resolution

Although a Termination and Abandonment of the above referenced Easement Agreement was considered and denied by the Mayor and City Commission at its May 5th, 2004 Meeting, at the request of Commissioner Jose Smith, please place the attached Resolution as a new item on the June 9th, 2004 City Commission Agenda.

The Crown Hotel Property, located 4041 Collins Avenue, has obtained design approval from the City for a renovation project, which contemplates the restoration/remodeling to the existing hotel facility, a one level parking addition with new pool and deck above, improvements to accessibility, site improvements and new construction of an 11 story apartment tower.

The Crown Hotel owner, Crown at Miami Beach, Ltd., is in the process of obtaining financing for the proposed project; pursuant to such financing, one of the lender's conditions, in order to ensure clear title for the property, is to require the owner to seek a release of an existing 1929 Easement granted to the City, and running

Agenda Item R76
Date 6-9-04

through a portion of the Crown Hotel property (a portion of the existing pool deck). The 1929 Easement established a "Base Line", and gave the City the right to construct certain erosion control structures, such as jetties, groynes, seawalls, and bulkheads, east of said established Base Line.

After a beach re-nourishment project which resulted in the construction of an artificial dune by the U.S. Army Corps of Engineers, the Base Line established by the 1929 Easement was essentially "replaced" by the establishment of the Erosion Control Line, by the State of Florida Department of Environmental Protection (DEP), which currently runs to the east of the Base Line established in the 1929 Easement.

While there is no evidence in either the City's records or State DEP's records to evidence that the 1929 Easement (establishing the Base Line) was ever terminated, neither the City nor the State DEP currently utilize the 1929 Base Line demarcation for purposes of permitting and constructing erosion control structures. Were the City to construct the jetties, groynes, seawalls, and bulkheads contemplated within the 1929 Easement today, under current State DEP permitting guidelines, all new such erosion control structures would have to be built using the current Erosion Control Line (as established by DEP), and must be built east of said Erosion Control Line.

The Administration and City Attorney's Office has continued to meet with representatives of the Crown Hotel Property. Commissioner Smith, in conjunction with the City Attorney's Office, has obtained additional concessions from Crown at Miami Beach, Ltd. (owner of Crown Hotel Property), which conditions would necessarily be satisfied and made subject to the City Commission's release of the 1929 Easement:

- 1) Crown at Miami Beach, Ltd. has agreed to deliver a Release, in a form acceptable to the City Attorney and City Manager, which would release the City from any construction obligation(s) under the 1929 Easement (that is, the rights granted to the City therein to construct jetties, groynes, seawalls, and bulkheads).
- 2) Crown at Miami Beach, Ltd. has agreed to execute and deliver a letter agreement, in a form acceptable to the City Attorney and City Manager, representing that the Crown Hotel Property would have no future objection, nor would it contest any permits obtained by the City, with respect to the design and construction of a proposed public beachwalk and/or boardwalk which (in part) would run behind the Crown Hotel Property, on the State owned beach, east of the erosion control line, and which would be reasonably similar to the existing beachwalk project which is under construction, and which will connect the existing walkway fronting Lummus Park with the existing elevated wooden boardwalk, which currently begins at 21st Street.

Accordingly, the City Attorney's Office has prepared a new Resolution regarding release of the 1929 Easement. The new Resolution incorporates the aforesated terms, and makes the City's release of said Easement, subject to and contingent upon Crown at Miami Beach, Ltd.'s compliance with same. As such, the City Attorney's Office has opined that this matter may be considered by the City Commission as a new matter/item which is properly before the Commission.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A RELEASE OF AN EASEMENT AGREEMENT FOR LOT 3, OF BLOCK 33, MIAMI BEACH IMPROVEMENT COMPANY'S OCEAN FRONT SUBDIVISION, IN FAVOR OF CROWN AT MIAMI BEACH, LTD., OWNER OF THE CROWN HOTEL PROPERTY, LOCATED AT 4041 COLLINS AVENUE; SAID RELEASE SUBJECT TO AND CONTINGENT UPON CROWN AT MIAMI BEACH, LTD.'S SATISFACTION OF THE CONDITIONS SET FORTH IN THIS RESOLUTION.

WHEREAS, in 1929, an Easement Agreement was granted to the City of Miami Beach which established a "Base Line", giving the City the right to construct certain erosion control structures, such as jetties, groynes, seawalls, and bulkheads, east of said Base Line; said Easement Agreement is attached as Exhibit "A" hereto (the 1929 Easement); and

WHEREAS, after the construction of an artificial dune by the U.S. Army Corps of Engineers, a new erosion control line was established by the State of Florida Department of Environmental Protection (DEP) to the east of the Base Line established in the 1929 Easement (Erosion Control Line); and

WHEREAS, the Crown at Miami Beach Ltd., as owner of the Crown Hotel located at 4041 Collins Avenue, Miami Beach, Florida, is refinancing the Crown Hotel Property and undertaking a redevelopment and restoration of said Property; and

WHEREAS, the Crown Hotel's lender, in order to ensure clear title to the property, is requiring that the City release the 1929 Easement; and

WHEREAS, the Administration has met with representatives of the Crown Hotel, and said representatives have provided documentation from DEP, which states that while there is no record of release and/or termination of the 1929 Easement, the Base Line originally established pursuant to said 1929 Easement is no longer utilized as the demarcation in the permitting and construction of erosion control structures; a copy of said letter stating DEP's position is attached as Exhibit "B" hereto; and

WHEREAS, the City concurs with DEP's analysis; the City no longer utilizes the Base Line established under the 1929 Easement for purposes of permitting the construction of erosion control structures, since all new erosion control structures must be built east of the Erosion Control Line; and

WHEREAS, the Administration would recommend that the Mayor and City Commission authorize the Mayor and City Clerk to execute the attached Release, subject to and contingent upon Crown at Miami Beach, Ltd.'s satisfaction of the following conditions:

- 1) Crown at Miami Beach, Ltd. shall agree and deliver of Release, in a form acceptable to the City Attorney and City Manager, releasing the City of Miami Beach from any obligation to construct the jetties, groynes, seawalls, and bulkheads referenced in the 1929 Easement; and
- 2) Crown at Miami Beach, Ltd. shall execute and deliver a letter agreement, in a form acceptable to the City Attorney and City Manager, representing that, as the owner(s) of the Crown Hotel Property, it shall have no objection to, nor shall it contest any and all permits the City may obtain, with respect to the City's design and construction of a proposed public beachwalk and/or boardwalk project behind the Crown Hotel Property, on the State owned beach, east of the Erosion Control Line, including that certain area landward and seaward of the dune, and reasonably similar to the existing at-grade pedestrian walkway, including landscaping, lighting and irrigation, along the landward side of the dune, connecting the existing walkway fronting Lummus Park and the existing elevated wooden boardwalk, which currently begins at 21st Street (Beachwalk Project).

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute a Release of the 1929 Easement Agreement for Lot 3, Block 33, of Miami Beach Improvement Company's Ocean Front Subdivision, in favor of Crown at Miami Beach, Ltd., as owner of the Crown Hotel property, located at 4041 Collins Avenue; said release subject to and contingent upon Crown at Miami Beach, Ltd.'s satisfaction of the following conditions: 1) Crown at Miami Beach, Ltd. shall agree and deliver of Release, in a form acceptable to the City Attorney and City Manager, releasing the City of Miami Beach from any obligation to construct the jetties, groynes, seawalls, and bulkheads referenced in the 1929 Easement; and 2) Crown at Miami Beach, Ltd. shall execute and deliver a letter agreement, in a form acceptable to the City Attorney and City Manager, representing that, as the owner(s) of the Crown Hotel Property, it shall have no objection to, nor shall it contest any and all permits the City may obtain, with respect to the City's design and construction of a proposed public beachwalk and/or boardwalk project behind the Crown Hotel Property, on the State owned beach, east of the Erosion Control Line, including that certain area landward and

seaward of the dune, and reasonably similar to the existing at-grade pedestrian walkway, including landscaping, lighting and irrigation, along the landward side of the dune, connecting the existing walkway fronting Lummus Park and the existing elevated wooden boardwalk, which currently begins at 21st Street (Beachwalk Project).

PASSED and **ADOPTED** this ____ day of _____, 2004.

ATTEST:

CITY CLERK

MAYOR

T:\AGENDA\2004\May0504\Consent\RESO Crown Hotel Easement.doc

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date

Prepared by and Return to:
Samuel D. Navon, Esq.
Navon & Lavin, P.A.
2699 Stirling Road, Suite B-100
Fort Lauderdale, FL 33312

RELEASE

This Release" is made and entered into effective as of this _____ day of June, 2004, by **CITY OF MIAMI BEACH**, a political subdivision of the State of Florida ("City"), with a mailing address of _____, with the joinder and consent of **CROWN AT MIAMI BEACH, LTD.**, a Florida limited partnership ("Owner").

WITNESSETH:

WHEREAS, on or about January 21, 1930, City was granted an easement recorded in Deed Book 1355, Page 474, of the Public Records of Miami-Dade County, Florida (the "Easement"), the intent and purpose of which was to limit the seaward edge of the construction in order to prevent erosion damage to riparian structures; and

WHEREAS, there is currently an existing structure permitted to be located upon portions of the area contemplated by the Easement which are desired to be redeveloped by Owner pursuant to approvals, consents and permits to be issued by the City; and

WHEREAS, subsequent to the granting of the Easement, the U.S. Army Corps of Engineers nourished the adjacent beach and prior to the nourishment, the project area was surveyed and the mean high water line was located. Pursuant to said survey, the Department of Environmental Protection ("DEP") created the erosion control line ("ECL"), which was updated in April of 1997, and the ECL corresponds to the mean high water line prior to the nourishment of the beach and the property owner's east property boundary. To that end, Chapter 62B-33.024(4)(b) of DEP's rules and procedures, establishes a landward limit of major structure construction (the 30-year erosion projection) based upon the location of the ECL, the steepness of the beach and the rate of erosion in the area, and as a result thereof, the intent and purpose of the Easement has been rendered moot and is no longer necessary; and

WHEREAS, in connection therewith, Owner desires to release the City of any and all obligations to construct jetties or groynes, seawalls and/or bulkheads to prevent erosion of the land, all as more particularly set forth and contemplated by the Easement; and

WHEREAS, City is amenable to executing and delivering this Release based upon the establishment of the ECL and conditioned upon the releases by Owner contemplated by the immediately preceding WHEREAS provision; and

WHEREAS, City has processed the request for the execution and delivery of this Release in accordance with the requirements of the City;

NOW, THEREFORE, for and in consideration of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the Easement is hereby released and canceled, in toto, and is of no further force or effect.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, City has duly executed this Release as of the day and year set forth below its signature.

WITNESS:

CITY OF MIAMI BEACH, a political subdivision
of the State of Florida

Print Name: _____

By: _____

Name: _____

Title: _____

Print Name: _____

Date: June ____, 2004

STATE OF FLORIDA)
)ss:
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me this ____ day of June, 2004, by _____, as the _____ of the City of Miami Beach, a political subdivision of the State of Florida, on behalf of the City. He/She is personally known to me or has produced _____ as identification.

Notary Public

Name of Notary typed or printed

My Commission Expires:

The undersigned hereby joins and consents to the terms and provisions hereof, specifically acknowledging its release of the City to construct jetties or groynes, seawalls and/or bulkheads to prevent erosion of the land, all as more particularly set forth in and contemplated by the Easement.

CROWN AT MIAMI BEACH, LTD., a Florida
limited partnership

Print Name: _____

By: **CROWN AT MIAMI BEACH, INC.**, a
Florida corporation, as general partner

Print Name: _____

By: _____
Howard D. Cohen, President

STATE OF FLORIDA)
)ss:
COUNTY OF MIAMI-DADE)

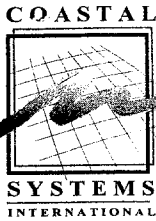
The foregoing instrument was acknowledged before me this ____ day of June, 2004, by **Howard D. Cohen**, as President of **Crown at Miami Beach, Inc.**, a Florida corporation, the general partner of **Crown at Miami Beach, Ltd.**, a Florida limited partnership. He is personally known to me or has produced _____ as identification.

Notary Public

Name of Notary typed or printed

My Commission Expires:

EXHIBIT "B"



COASTAL SYSTEMS INTERNATIONAL, INC.
464 South Dixie Highway • Coral Gables, Florida 33146
Tel: 305-661-3655 • Fax: 305-661-1914
www.coastalsystemsint.com

RECEIVED
04 MAY - 6 PM 3:01
222700
CITY ATTORNEY'S OFFICE

May 4, 2004

Raul Aguila, Esq.
First Assistant City Attorney
City Attorney's Office
CITY OF MIAMI BEACH
1700 Convention Center Drive
Miami Beach, Florida 33139

**RE: TERMINATION OF CITY EASEMENT WITHIN THE PROPOSED CROWN PROJECT SITE,
CITY OF MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA**

Dear Mr. Aguila:

The City of Miami established the subject easement in 1929 to limit the seaward edge of construction in order to prevent erosion damage to riparian structures. Subsequently, the U.S. Army Corps of Engineers nourished the adjacent beach. Prior to the nourishment, the project area was surveyed and the mean high water line was located. At that time, the Department of Environmental Protection (DEP) created the Erosion Control Line (ECL), which was updated in April 1997. The ECL corresponds to the MHWL prior to the nourishment of the beach and the property owner's eastern property boundary.

Chapter 62B-33.024 (4)(b) of the DEP's rules and procedures establishes a landward limit of major structure construction (the 30-year Erosion Projection) based upon the location of the ECL, the steepness of the beach, and the rate of erosion in the area. Major structures, other than those proposed for beach and shore protection, may not be built seaward of the 30-Year Erosion Projection.

As part of the Statewide Strategic Beach Management Plan, the DEP has established long-range nourishment goals to maintain existing nourished beaches. The DEP has moved away from beach management focused on local short term needs to provide long term solutions to beach erosion.

222700

Raul Aguila, Esq.

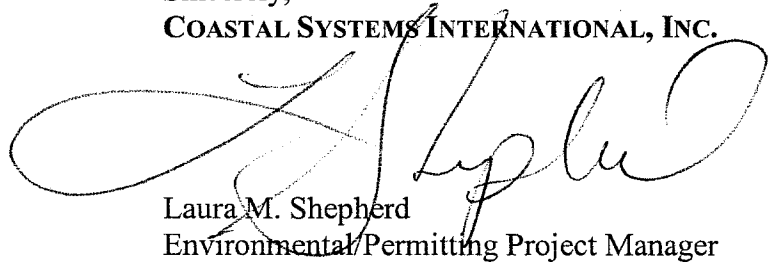
May 4, 2004

Page 2

Based upon this information and the efficacy of Chapter 62B-33.024 (4)(b), enforcement of the easement by the City of Miami Beach as recorded in Deed Book 1355, 474 of the Public Records of Miami Dade County, is no longer necessary. Should you have any questions or require additional information, please do not hesitate to contact me at (305) 669-6230.

Sincerely,

COASTAL SYSTEMS INTERNATIONAL, INC.

A large, stylized handwritten signature in black ink, appearing to read 'L. Shepherd', is written over the typed name and title.

Laura M. Shepherd

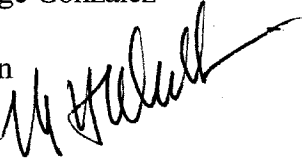
Environmental/Permitting Project Manager

CJB:LMS

cc: David Sacks, Esquire, Pathman Lewis, P.A.
Mr. Alex Lastra, Atlantic and Pacific Development
Mr. Jerry McDonald and Mr. Ken Nichols, GT McDonald
Mr. Todd Tragash, STA Architects

**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin
City Attorney 

SUBJECT: Notice of Closed Executive Session

DATE: June 4, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on June 9, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss settlement on the following cases:

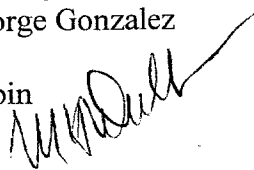
Da Mortgage, Inc., a Florida Corporation; 136 Collins Avenue, L.C.; a Florida Corporation vs. City of Miami Beach, a Florida Municipal Corporation; and Miami Dade County. United States District Court, Southern District, Miami Division, Case No. 03-20684 CIV-Martinez/Dube

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Gary Held and Assistant City Attorney Roberto Datorre.

Agenda Item R10C
Date 6-9-04

**OFFICE OF THE CITY ATTORNEY
CITY OF MIAMI BEACH**

TO: Mayor David Dermer
Members of the City Commission
City Manager Jorge Gonzalez

FROM: Murray H. Dubbin
City Attorney 

SUBJECT: Notice of Closed Executive Sessions

DATE: June 8, 2004

Pursuant to Section 286.011, Florida Statutes, a Closed Executive Session will be held during lunch recess of the City Commission meeting on June 9, 2004 in the City Manager's large conference room, Fourth Floor, City Hall, to discuss pending litigation on the following cases:

West Side Partners, Ltd., a Florida limited partnership; East Coastline Development, Ltd., a Florida limited partnership; 404 Investments, Ltd., a Florida limited partnership; Azure Coast Development, Ltd., a Florida limited partnership; Beachwalk Development Corporation, a Florida corporation; Portofino Real Estate Fund, Ltd., a Florida limited partnership; St. Tropez Real Estate Fund, Ltd., a Florida limited partnership; and Sun & Fun, Inc., a Florida corporation, vs. City of Miami Beach, a Florida municipal corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., a Florida limited partnership vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (removed to US Dist. Court, So. Dist. of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., a Florida limited partnership, and Catherine F. Colonnese, a registered voter in the City of Miami Beach, Florida, vs. City of Miami Beach, a Florida municipal corporation. Circuit Court of the Eleventh Judicial Circuit of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (on Appeal in Third District Court of Appeal Case No. 3DO1-3350)

East Coastline Development, Ltd vs. City of Miami Beach and the State of Florida, Department of Community Affairs. State of Florida, Division of Administrative Hearing Case No. 02-3283

The following individuals will be in attendance: Mayor David Dermer; Members of the Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith and Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, and First Assistant City Attorney Gary Held.

Agenda Item R10D
Date 6-9-04